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UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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In re Application of :  
RUMP, Niels, et al. :  
Application No.: 09/913,690 :  
PCT No.: PCT/EP99/09980 :  
Int. Filing Date: 15 December 1999 :  
Priority Date: 16 February 1999 :  
Attorney Docket No.: 13189.138 :

For: METHOD AND APPARATUS FOR :  
GENERATING A DATA STREAM AND :  
METHOD AND DEVICE FOR PLAYING :  
A DATA STREAM :

NOTIFICATION

OF A

DEFECTIVE RESPONSE

This is a notification in response to applicants' "Request For Reconsideration," filed in the United States Patent and Trademark Office (USPTO) on 14 June 2002.

**BACKGROUND**

On 15 December 1999, applicants filed international application PCT/EP99/09980, which claimed a priority date of 16 February 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 24 August 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 13 September 2000, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 16 August 2001.

On 16 August 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 19 October 2001, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of oath or declaration were required.

On 24 January 2002, applicants submitted a petition under 37 CFR 1.47, which was accompanied by, *inter alia*, a combined declaration and power of attorney executed by inventors Juergen Koller and Karlheinz Brandenburg.

On 08 April 2002, the Office mailed Decision On Petition Under 37 CFR 1.47(a) dismissing applicants' petition without prejudice.

On 14 June 2002, applicants submitted the instant "Request for Reconsideration," accompanied by a declaration signed by Niels Rump.

**DISCUSSION**

Petitions under 37 CFR 1.47(a) are to establish that a nonsigning inventor cannot be reached after a diligent effort or has refused to sign the declaration after being presented with a full set of the application papers. Applicants have located Mr. Rump and he has signed a declaration. That declaration is defective as it fails to list all of the inventors and their information, as required by 37 CFR 1.497(a).

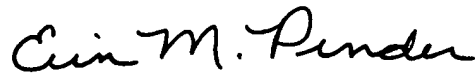
**CONCLUSION**

Applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within a time limit of **ONE (1) MONTH** from the mail date of this Notification or within the time remaining in the response set forth in the Decision on Petition Under 37 CFR 1.47(a) mailed on 08 April 2002, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136(a), but the period for response set in the Decision on Petition may be extended up to a maximum of five months. **FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.** Any request for reconsideration of this decision should include a cover letter entitled "Response to Notification of Defective Response."

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of this letter marked to the attention of the Office of PCT Legal Administration.



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